



Flint Community Schools
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FCC Mail Room

May 8, 2014

Request for Waiver
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Request for Appeal
CC Docket No. 02-6
USAC Denial 4-08-2014
Billed Entity Number 131074

Form 471 Application Number 899471
Funding Request Number (FRN) 2447187

The Flint Community School District is submitting this Request for Appeal to the FCC regarding the denial by USAC because "The reason for the denial is in direct contradiction to the instructions on the USAC websight."

The Flint Community School District offers a copy of the denial letter dated April 8, 2014. On page one (1) at the bottom the following sentence states "Although, Flint Community Schools experienced service issues with the original SPIN in funding year 2012, the District should have posted a new FCC Form 470 to initiate a competitive bidding process before requesting web hosting services for Funding Year 2013."

The denial basis is in direct opposition to USAC directions attached to this appeal. On the USAC web page under references, spin changes, operational changes, conditional multi-year contracts states the following: "If the applicant has a multi-year contract with the service provider from which it wishes to switch, it may switch to a multi-year contract with a new service provider without posting a new Form 470 and waiting 28 days."

The boys and girls of Flint Community School District should not be denied funding for Form 471 # 899471 because of this incorrect denial. Thank you for your consideration.

Sincerely,

Jawun Nelson
Acting Chief Financial Officer
810-767-6183 Phone
810-760-7601 Fax
jnelson1@flintschools.org

Attachment 1: SchoolinSites denial-USAC-5-1-2014
Attachment 2: Conditional Multi-Year Contract

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BEFORE YOU'RE DONE**SPIN Changes**

Service Substitutions
Commitment Adjustments
FCC Form 500 Filing

Service Delivery

Transfer of Equipment
Disposal or Trade-in of Equipment

Returning Funds to USAC

Good Samaritans
Updating Contact Information

Operational Changes

An operational Service Provider Identification Number (SPIN) change may only be requested by the applicant. It can be requested for tariffed, month-to-month, or contracted services.

SPIN Changes for FY2011 and Beyond

The Federal Communications Commission (FCC) permits operational SPIN changes when:

1. The SPIN change is allowed under the applicant's state and local procurement rules
2. The SPIN change is allowable under the terms of any contract between the applicant and its original service provider
3. The applicant has notified its original service provider of its intent to change service providers
4. There is a legitimate reason to change providers (e.g. breach of contract or the service provider is unable to perform the requested services)
5. The newly selected service provider received the next highest point value in the original bid evaluation (If the applicant did not receive multiple bids, the applicant must submit a statement explaining that it received only one or no bids)

The last two requirements are new, beginning in Funding Year 2011. Changing service providers because the services are available at a lower cost from another provider or because you now wish to do business with a provider that did not originally participate in the competitive bidding process are not considered legitimate reasons for change, and requests citing such reasons will be denied.

When to File Requests

A SPIN change request for a Funding Request Number (FRN) must be postmarked or received no earlier than the date of the FCDL and no later than the last date to submit an invoice for that FRN.

USAC is concerned about its ability to pay the appropriate service provider depending on when service provider changes are made and when SPIN change requests are received and approved. If a service provider is changed before USAC approves a SPIN change request, there is a possibility that USAC will inadvertently pay the old service provider. To minimize that possibility, applicants should notify USAC of their intent to change service providers as soon as the decision is made and should advise USAC of the proposed effective date of the change.

In order to reduce confusion and possible delays, applicants should request the SPIN change sufficiently in advance of the change so that USAC has time to process the request before the submission of any invoices for services rendered by the new provider. Once the request is received, USAC will make no additional payments on the FRN until the SPIN change is reviewed and either (1) approved and the SPIN is changed or (2) denied and USAC verifies that additional invoices are for services actually rendered to the applicant by the original service provider.

Conditional Multi-year Contracts

If the applicant has a multi-year contract with the service provider from which it wishes to switch, it may switch to a multi-year contract with a new service provider without posting a new FCC Form 470 and waiting at least 28 days.

The multi-year contract with the new service provider must have an expiration date no later than the original contract. Neither contract should be longer than any term for the contract described in the original FCC Form 470 or the RFP under which the original service provider was selected.

Service Substitutions

A change in service provider, by itself, does not allow a substitution in the specific products or services to be supplied.

Applicants may make a simultaneous request for both service substitution and change in service provider by (1) following the steps as outlined in the service substitutions procedure, and (2) including the service provider change letter described below as an additional attachment to the service substitution request.

In the event that a simultaneous service substitution and service provider change cannot be granted due to a problem with one request or the other, we will

Jawun Nelson
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Billed Entity Number: 131074
Form 471 Application Number: 899471
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

Received & Inspected

April 08, 2014

MAY 09 2014

Jawun Nelson
Flint Community Schools
923 E. Kearsley Street
Flint, MI 48503-6106

FCC Mail Room

Re: Applicant Name: FLINT CITY SCHOOL DIST
Billed Entity Number: 131074
Form 471 Application Number: 899471
Funding Request Number(s): 2447187
Your Correspondence Dated: February 24, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2447187
Decision on Appeal: Denied
Explanation:

- The documentation submitted in support of your appeal cites 02/26/2013 as the date you entered into a contract with the service provider. The allowable contract date associated with the referenced FCC Form 470 on this funding request was 03/11/2011. Due to the time lapse between the allowable contract date and the contract award date, you have failed to comply with the FCC's competitive bidding requirements. Although, Flint City School District (the District) experienced service issues with the original SPIN in Funding Year 2012, the District should have posted a new FCC Form 470 to initiate a competitive bidding process before requesting web hosting services for Funding Year 2013. The new contract with SCHOOLinSITES.com LLC, SPIN 143027426 can not be considered an extension of the original contract with SchoolFusion/Edline, SPIN 143028153. Consequently, USAC denies your appeal.

- Your explanation of the time lapse between the allowable contract date of the referenced FCC Form 470 and the contract award date failed to assure USAC that you conducted a fair and competitive bidding process and chose the most cost-effective offering with price being the primary factor. FCC rules require that except under limited circumstances, all FCC Forms 470 received be posted on the USAC website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting an FCC Form 471. *See* 47 C.F.R. secs. 54.503(b)-(c), 54.511(a) and (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098, FCC 97-246 para. 9 (rel. Jul. 10, 1997). This posting requirement applies to requests for discounts for month-to-month or tariff services as well as contracted services. *See* 47 C.F.R. sec. 54.503 (c). Pursuant to the Commission's rules, voluntary contract extensions are not exempt from the competitive bidding requirement. *See* 47 C.F.R. sec. 54.511 (d)(1).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company